

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

RICKY MATLOCK and BRIDGET
MATLOCK,

Plaintiffs,

v.

ROUNDPOINT MORTGAGE SERVICING
CORPORATION, EMBRACE HOME LOANS,
INC., and LOANCARE, LLC,

Defendants.

Case No. 3:18-cv-00047
Judge William L. Campbell, Jr.
Magistrate Judge Newbern

DEFENDANTS' MOTION TO CONTINUE TRIAL

COMES NOW, LoanCare, LLC (“LoanCare”), RoundPoint Mortgage Servicing Corporation (“RoundPoint”), and Embrace Home Loans, Inc. (“Embrace”) (collectively, the “Defendants”), and respectfully move this Court to continue the trial date, stating as follows:

1. On November 9, 2018, this Court entered a Trial Management Order, setting a jury trial for December 10, 2019. [Doc. 46]. The first pretrial deadlines fall on November 18, 2019. *Id.* at p. 1.

2. LoanCare, RoundPoint, and Embrace all filed Motions for Summary Judgment on July 19, 2019. [Docs. 76, 79]. The Plaintiffs’ response to the motions was made provisionally under seal [Docs. 88-93], along with a Motion for Leave to File Under Seal. [Doc. 87]. There is a dispute between the parties regarding the propriety of filing under seal and the inclusion of certain documents in the provisionally sealed response. *See* [Docs. 94, 103, 106]. The Motions for Summary Judgment and Motion for Leave to File Under Seal remain pending, with the last brief being filed on September 27, 2019. [Doc. 109]. Accordingly, these now fully briefed motions have been pending with the Court for just over a month.

3. The outcome of the pending dispositive motions will likely greatly impact trial preparation. If granted, there is no need for trial. If granted in part, the Parties can potentially reduce the number of witnesses and evidence needed to present their cases. In order to avoid the potentially needless expense and use of time in preparing for trial, the Defendants respectfully request that this Court continue the trial date pending a decision on the motions for summary judgment.

4. The Defendants sought the joinder of the Plaintiffs in this Motion, but they declined.

WHEREFORE, LoanCare, RoundPoint, and Embrace respectfully pray for relief as follows:

- a) That this Court continue the December 10, 2019, trial date pending a decision on the motions for summary judgment; and
- b) For any other relief that this Court deems just and proper.

Respectfully submitted, this 29th day of October 2019.

/s/ Bret J. Chaness
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CERTIFICATE OF SERVICE

I hereby certify that I have this 29th day of October 2019, filed the within and foregoing
by CM/ECF, which will serve notice on all parties

/s/ Bret J. Chaness
BRET J. CHANESS (BPR # 31643)